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DATE: February 11, 2005	FILE #: 152890

RECIPIENT(S)	PHONE	FAX
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#### MESSAGE:

Serial Number 09/805,646  
AUTOMATED PROCESS GUIDANCE SYSTEM AND METHOD  
Filed: March 13, 2001

Following please find: transmittal form; Petition for Patent Term Restoration on 2 pages; copy of Petition for Patent Term Adjustment (originally filed Dec. 10, 2004 and entered in error as a Miscellaneous Incoming Letter) with all the attachments (18 pages). Total pages including this cover sheet: 22

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FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/805,646

Filing Date

March 13, 2001

FEB 11 2005

First Named Inventor

Grimse

Art Unit

2121

Examiner Name

Holmes

Attorney Docket Number

152890-001

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Petition filed with USPTO on Dec. 10, 2004
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
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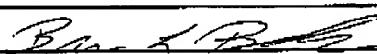
## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Printed Name

Brian L. Belles

Date

2/11/05

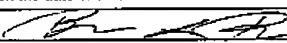
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Typed or printed name

Brian L. Belles

Date

2/11/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**DOCKET NO. 152890-001**

Serial No. 09/805,646

Petition for Patent Term Restoration

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTER**In re application of: **Mark Grimse et al.**Confirmation No. **4015****FEB 11 2005**Serial No.: **09/805,646**Group Art Unit: **2121**Filed: **March 13, 2001**Examiner: **Michael B. Holmes****Title: AUTOMATED PROCESS GUIDANCE SYSTEM AND METHOD**

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\_\_\_\_\_  
**Brian L. Belles, 51,322****MAIL STOP PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION FOR PATENT TERM RESTORATION UNDER 37 CFR § 1.705(d)**

Pursuant to 37 C.F.R. § 1.705(d), Applicants hereby request that the Patent Term Adjustment be set at 470 days. Applicants attach a copy of a Petition for Patent Term Adjustment under 37 CFR § 1.705(b) which was timely filed with the United States Patent and Trademark Office via facsimile on December 10, 2004, but which was incorrectly entered by the USPTO as "miscellaneous incoming letter" and was never considered. Because of the PTO's error, not only was applicant not granted the additional 171 days of patent term adjustment requested in the December 10, 2004 Petition (making the total 470 days), but Applicant was improperly charged with an additional 54 days of delay as a result of the PTO mis-characterizing of its Petition.. Applicant requests that the December 10, 2004 Petition for Patent Term Adjustment be considered and granted, the fee for this petition be

**DOCKET NO. 152890-001**

Serial No. 09/805,646

Petition for Patent Term Reinstatement

waived and the erroneous 54 day delay be removed so that the total patent term adjustment is 470 days.

Respectfully submitted,



Brian L. Belles  
Registration No. 51,322  
COZEN O'CONNOR, P.C.  
1900 Market Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
Telephone: (215) 665-7244  
Facsimile: (215) 701-2044

Date: 2/11/05

## RECEIVED IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

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**Title:** AUTOMATED PROCESS GUIDANCE SYSTEM AND METHOD  
**Applicants:** Mark Grimes et al.  
**Serial No.:** 09/805,846  
**Filing Date:** March 13, 2001  
**Docket No.:** 152890-001      **Date Sent:** December 10, 2004

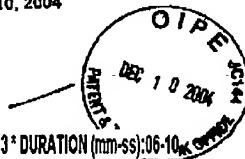
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**Title:** AUTOMATED PROCESS GUIDANCE SYSTEM AND METHOD  
**Applicants:** Mark Grimes et al.  
**Serial No.:** 09/805,846  
**Filing Date:** March 13, 2001  
**Docket No.:** 152890-001      **Date Sent:** December 10, 2004

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(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,646	03/13/2001	Mark Grimes	1040659-091101	4015

TITLE OF INVENTION: AUTOMATED PROCESS GUIDANCE SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	12/15/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOLMES, MICHAEL B	2121	706-059000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
 Change of correspondence address (or Change of Correspondence Form PTO/SB/122) attached.  
 "Fee Address" indication or "Fee Address" Indication form PTO/SB/47, Rev. 03/02 (or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 other members or agents, if any. If no name is listed, no name will be printed.

Cozen O'Connor P.C.  
Brian L. Belles, Esq.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
 PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Kadiri Inc.

Burlingame, California

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:  Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies ten (10)  Payment of Fee(s):  
 A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-1275 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)  
 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(7).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to reapply any previously paid issue fee to the application identified above.  
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Brian L. BellesDate December 10, 2004Typed or printed name Brian L. BellesRegistration No. 51,322

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and transmitting the completed application forms to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**DOCKET NO. 152896-111**  
**Serial No. 09/805,646**  
**Application for Patent Term Adjustment**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Mark Grimse et al.**

Confirmation No. **4015**

Serial No.: **09/805,646**

Group Art Unit: **2121**

Filed: **March 13, 2001**

Examiner: **Michael B. Holmes**

Title: **AUTOMATED PROCESS GUIDANCE SYSTEM AND METHOD**

**EXPRESS MAIL LABEL NO. EL963418402US**  
**DATE OF DEPOSIT: December 10, 2004**

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**1. APPLICATION FOR PATENT TERM ADJUSTMENT**

Pursuant to 37 C.F.R. § 1.705, Applicants hereby request reinstatement of 171 days of the term reduced pursuant 37 C.F.R. § 1.704(b). This request is being filed with the payment of the issue fee and is accompanied by the fees set forth in 37 C.F.R. §§ 1.18(e)+(f). The facts supporting this request are set forth below.

**Statement of the Facts**

**1. The patent term adjustment for examination delay**

A copy of the Patent Term Adjustment sheet for this application is attached as Exhibit A. As correctly indicated thereon, the USPTO delay is 470 days. The above-identified patent application was filed under 35 U.S.C. § 111(a) on March 13, 2001. Fourteen months from the date the application was filed under 35 U.S.C. § 111(a) was May 13, 2002. A Non-Final Rejection, under 35 U.S.C. § 132, was mailed on August 26, 2003 (see Exhibit A). The date of the Non-Final Rejection was 470 days beyond 14 months from the date the application was filed under 35 U.S.C. § 111(a). Thus, Applicants submit that the correct patent term adjustment is 470 days.

**DOCKET NO. 152890-uu1**  
Serial No. 09/805,646  
Application for Patent Term Adjustment

**2. The relevant dates for which adjustment is sought**

Adjustment is not sought for additional delay on the part of the USPTO, but for an incorrect charge of delay to the Applicants. The Patent Term Adjustment sheet (Exhibit A) incorrectly indicates that the Applicants' delay is 176 days, and deducts this period of delay from the patent term adjustment due. This delay appears to be due to the filing of an allegedly late Response to the August 26, 2004 Non-Final Rejection on May 20, 2004 (see Exhibit A).

While the Patent Term Adjustment sheet (Exhibit A) shows the Response to the August 26, 2003 Non-Final Rejection as being filed on May 20, 2004, a review of the Detailed Image File Wrapper Summary, attached hereto as Exhibit B, shows that Applicants, in fact, filed a Response to the August 26, 2004 Non-Final Rejection on December 1, 2003. However, the USPTO lost the December 1, 2003 Response through no fault of the Applicants. As a result, the Examiner never received the December 1, 2003 Response. On May 20, 2004, after a discussion with the Examiner, Applicants forwarded copies of the December 1, 2003 Response and the necessary proof of the December filing to the USPTO (see Transmittal Letter, attached hereto as Exhibit C). Thus, *the period of delay on part of the Applicants is 5 days*, judged from the December 1, 2003 Response filing date, not 176 days. It is inequitable to charge the Applicant for the USPTO's actions in misplacing the Applicant's properly filed Response.

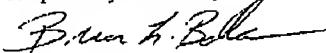
**3. Terminal disclaimer**

The present application is not subject to terminal disclaimer.

**4. Representations regarding reasonable efforts**

With the exception of the 5 day delay noted above, to the undersigned's knowledge, there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. § 1.704.

Respectfully submitted,



Brian L. Belles  
Registration No. 51,322  
COZEN O'CONNOR, P.C.  
1900 Market Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
Telephone: (215) 665-7244  
Facsimile: (215) 701-2044

Date: December 10, 2004